

Attorney Docket No. T9376.DIV1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

PETER PAL VARGA et al.

TITLE:

INTERVERTEBRAL SPACING

IMPLANT SYSTEM

SERIAL NO.:

10/055,673

FILED:

January 22, 2002

EXAMINER

D. Willse

ART UNIT:

3738

RESPONSE A WITH AMENDMENT

TECHNOLOGY CENTER R3700

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Responsive to the Office Action, Paper No. 4, mailed February applicants request entry of this Response A With 26, Amendment and reconsideration of the above-captioned application. This response addresses every ground of rejection set forth in the Office Action.

Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the day of August, 2003.

09/04/2003 AADOFO1 00000021 10055673

01 FC:2201 02 FC:2202 924.00 OP 261.00 OP

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Attorney Registration No. 36,468

Attorney for Applicant

A shortened statutory period for response of three (3) months was set for response to the Office Action. Accordingly, a Petition for a three-month extension of time and check no. 6706 appropriate in amount to cover the corresponding fee are also enclosed.

New claims have been added, including twenty-two (22) independent claims and seven (7) dependent claims for a total of twenty-nine (29) new claims. Accordingly, enclosed is a captioned paper entitled "FEE TO COVER ADDITIONAL CLAIMS ADDED BY AMENDMENT", and check no. 6708, appropriate in amount to cover the corresponding fee for these additional claims.

Also enclosed is a captioned paper entitled Notification of Error in Spelling of inventor's Name and Request to Change Inventor Name from James A. Ogilvie to James W. Ogilvie.